

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

LOUIS RAY GILBEAU, JR.,
Plaintiff,

v.

ANDREW PALLITO,
STEVE GOLD,
and JAMES STUDEBAKER,
Defendants.

:
:
:
:
:
:
:
:
:
:

File No. 1:11-cv-232-jgm

ORDER

The Magistrate Judge's Report and Recommendation was filed May 22, 2012. (Doc. 15.) After de novo review and absent objection, the Report and Recommendation is AFFIRMED, APPROVED and ADOPTED. See 28 U.S.C. § 636(b)(1).

Defendants' Motion to Dismiss (Doc. 8) is GRANTED. Plaintiff's motion for immediate release from incarceration (Doc. 14) is DENIED. Plaintiff shall be allowed 30 days to file an Amended Complaint. If Plaintiff declines or fails to file an Amended Complaint on or before July 26, 2012, this case will be dismissed.

It is further certified that any appeal taken in forma pauperis from this Order would not be taken in good faith because such an appeal would be frivolous. See 28 U.S.C. § 1915(a)(3).

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 26th day of June, 2012.

/s/ J. Garvan Murtha
Honorable J. Garvan Murtha
United States District Judge